

**REMARKS**

Reconsideration of this application, as presently amended, is respectfully requested. Claims 1-14 are pending in this application. Claims 1-3, 5 and 7 stand rejected. Claims 4 and 6 were objected to as being dependent upon a rejected base claim, but were indicated allowable if rewritten in independent form. Claims 8-14 are allowed.

Claim 4 has been amended hereby to rewrite claim 4 in independent form. Accordingly, claim 4 should now be in condition for allowance.

**Claim rejections - 35 U.S.C. §102 and 35 U.S.C. §103**

Claims 1 and 5 were rejected under 35 U.S.C. §102(e) as being anticipated by **Fukuda et al.** (USP 6,278,490). Claims 2-3 and 7 were rejected under 35 U.S.C. §103 as being unpatentable over **Fukuda et al.** in view of **Ohta et al.** (USP 5,101,276). For the reasons set forth in detail below, these rejections are respectfully traversed.

**Fukuda et al.** disclose an exposure control for an image pickup apparatus. More particularly, as described with respect to the embodiments shown in Figs. 5 and 6 (described in column 10, lines 25 through column 11, line 15), the image pickup apparatus includes a sensor driving circuit 17 that drives an image pickup device 3 to independently obtain two frames with different exposure amounts within one field period (col. 10, lines 37-40).

As shown in Fig. 6 and described in column 10, lines 47 - 58, when a reset voltage VRS is applied to a given line, the charges accumulated in the line are reset to start exposure. After a predetermined period (4H), a read voltage VRD is applied to the line to read out a signal. Thus,

a signal with an exposure time of 4H is read out. However, because the read processing is nondestructively performed, exposure is continued. After a one field period, the read voltage VRD is applied again to read out a signal. With this operation, an exposure period corresponding to one field is read out. After this signal is read out, a reset voltage VRS is applied to reset the accumulated charges.

Further, as shown in Fig. 6, the “short exposure period” and the “long exposure period” for *respective lines* start at the same time and are overlapped.

#### Claim 1

Unlike the claimed invention, **Fukuda et al.** do not disclose or suggest *a first exposer for subjecting first light-receiving elements to first exposure for a first period; a second exposer for subjecting second light-receiving elements to second exposure for a second period; wherein the first period starts simultaneously with the second period, is shorter than said second period and is overlapped in time with said second period*, as recited in claim 1.

The Office Action asserts that the short and long exposure periods disclosed by **Fukuda et al.** correspond to the claimed first exposer and second exposer, respectively. However, the short and long exposure periods for respective lines (i.e., first line, second line, third line, nth line in Fig. 6) are applied to the *same light receiving elements*. For example, the short exposure period for the first line exposes the *same* light receiving elements as the long exposure period for the first line.

In contrast, according to the claimed invention, the first exposer subjects *first light receiving elements* to first exposure and a second exposer subjects *second light receiving elements* to second exposure. The first and second light receiving elements are clearly *different* light receiving elements.

Furthermore, as is clearly seen in Fig. 6 of **Fukada et al.**, the short exposure period and long exposure period for different lines (first line, second line, etc.) start at different times. Thus, unlike the claimed invention, although the different lines may be considered to correspond to different light receiving elements, the exposure timing of the different lines does not start simultaneously.

A rejection under §102 requires that each and every element as set forth in the claims must be described, either expressly or inherently in the prior art reference. The **Fukada et al.** reference does not teach every element recited in claim 1. Therefore, for the reasons set forth above, it is submitted that claim 1 patentably distinguishes over the **Fukuda et al.** reference. Reconsideration and withdrawal of the rejection under §102 are respectfully requested.

#### Claims 2-3 and 7

Claims 2-3 and 7 patentably distinguish over the combination of **Fukuda et al.** and **Ohta** for the same reasons set forth above with respect to claim 1 by virtue of their dependency on claim 1.

It is noted that the **Ohta** reference was applied against claims 2-3 and 7 in the previous Office Action. It is submitted that the **Ohta** reference does not alleviate any of the above-noted

deficiencies of the **Fukuda et al.** reference, as pointed out in the response to the previous Office Action.

In view of the above remarks, it is respectfully submitted that each of claims 1-3, 5 and 7 patentably distinguish over the cited prior art and therefore define allowable subject matter. Reconsideration and withdrawal of the rejections under §102 and §103 are respectfully requested.

### **CONCLUSION**

In view of the foregoing amendments and accompanying remarks, it is submitted that all pending claims are in condition for allowance. A prompt and favorable reconsideration of the rejection and an indication of allowability of all pending claims are earnestly solicited.

If the Examiner believes that there are issues remaining to be resolved in this application, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite and complete prosecution of this case.

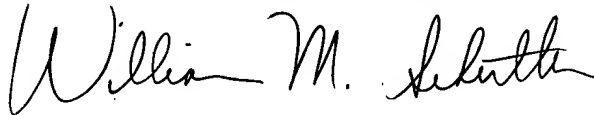
Application No. 09/816,672  
Art Unit: 2612

Amendment under 37 C.F.R. §1.116  
Attorney Docket No.: 010428

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

A handwritten signature in black ink, appearing to read "William M. Schertler". The signature is fluid and cursive, with the first name "William" and middle initial "M." being more legible than the last name "Schertler".

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